

# HOUSE BILL 1333

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By: **Delegates Frush, McIntosh, Bobo, Healey, Holmes, Hubbard, Lafferty, Murphy, Niemann, S. Robinson, and Stein**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 9, 2012

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Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Nitrogen Removal Technology – Payment of Cost Differential**

3 FOR the purpose of altering a requirement that the Department of the Environment  
4 pay a certain homeowner for certain costs associated with the installation of  
5 on-site sewage disposal systems utilizing nitrogen removal technology;  
6 requiring certain costs paid by the Department to a certain homeowner to be  
7 based on the annual household income of the homeowner; providing for a  
8 delayed effective date; and generally relating to on-site sewage disposal  
9 systems utilizing nitrogen removal technology.

10 BY repealing and reenacting, with amendments,  
11 Article – Environment  
12 Section 9–1108  
13 Annotated Code of Maryland  
14 (2007 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Environment**

18 9–1108.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Nitrogen removal technology” means the best available technology  
3 for the removal of nitrogen.

4 (3) “On-site sewage disposal system” means a sewage treatment unit,  
5 collection system, disposal area, and related appurtenances.

6 (b) A person may not:

7 (1) Install, or have installed, on property a person owns in the State in  
8 the Chesapeake and Atlantic Coastal Bays Critical Area, an on-site sewage disposal  
9 system to service a newly constructed building, unless the on-site sewage disposal  
10 system utilizes nitrogen removal technology; or

11 (2) Replace or have replaced, an existing on-site sewage disposal  
12 system on property a person owns in the State in the Chesapeake and Atlantic Coastal  
13 Bays Critical Area, unless the replacement on-site sewage disposal system utilizes  
14 nitrogen removal technology.

15 (c) (1) Subject to paragraph (2) of this subsection and in accordance with  
16 § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost  
17 difference between a conventional on-site sewage disposal system and a system that  
18 utilizes nitrogen removal technology with money from the Bay Restoration Fund, if  
19 sufficient funds are available.

20 (2) [In calendar years 2010, 2011, and 2012, the] **IN ACCORDANCE**  
21 **WITH PARAGRAPH (3) OF THIS SUBSECTION, THE** Department shall assist  
22 homeowners by paying [100% of] the cost difference between a conventional on-site  
23 sewage disposal system and a system that utilizes nitrogen removal technology with  
24 money from the Bay Restoration Fund, if the homeowner:

25 (i) Is required under subsection (b)(2) of this section to replace  
26 an existing on-site sewage disposal system with an on-site sewage disposal system  
27 that utilizes nitrogen removal technology; and

28 (ii) Has a failing on-site sewage disposal system.

29 **(3) THE COST ASSISTANCE PAID TO A HOMEOWNER UNDER THIS**  
30 **SUBSECTION SHALL BE:**

31 **(I) IF THE ANNUAL HOUSEHOLD INCOME FOR THE**  
32 **PREVIOUS YEAR WAS LESS THAN \$150,000, 100% OF THE COST DIFFERENCE**  
33 **BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM**  
34 **THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY;**

1 (II) IF THE ANNUAL HOUSEHOLD INCOME FOR THE  
2 PREVIOUS YEAR WAS AT LEAST \$150,000 BUT LESS THAN \$200,000, 75% OF THE  
3 COST DIFFERENCE BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL  
4 SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY;

5 (III) IF THE ANNUAL HOUSEHOLD INCOME FOR THE  
6 PREVIOUS YEAR WAS AT LEAST \$200,000 BUT LESS THAN \$250,000, 50% OF THE  
7 COST DIFFERENCE BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL  
8 SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY; AND

9 (IV) IF THE ANNUAL HOUSEHOLD INCOME FOR THE  
10 PREVIOUS YEAR WAS AT LEAST \$250,000, 25% OF THE COST DIFFERENCE  
11 BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM  
12 THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY.

13 (d) (1) Subject to paragraph (2) of this subsection, a person who violates  
14 subsection (b) of this section is subject to the civil and administrative penalties and  
15 the enforcement mechanisms provided in §§ 9-334 through 9-342 of this title.

16 (2) The penalties imposed under this section may not exceed \$8,000.

17 (e) (1) The Department shall adopt regulations to implement this section.

18 (2) The regulations adopted in accordance with paragraph (1) of this  
19 subsection shall include provisions to ensure that appropriate management measures  
20 are provided for the operation and maintenance of nitrogen removal technology.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 January 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.